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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/746,392 12/21/2000 Don C. McCall 52646-00407USP3 3366

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EXAMINER

FUREMAN, JARED

ART UNIT PAPER NUMBER

2876

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,392

Applicant(s)

MCCALL ET AL.

Examiner

Jared J. Fureman

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Receipt is acknowledged of the IDS filed on 9/12/2001 and the power of attorney filed on 10/5/2001, both of which have been entered in the file.

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: --FUEL DISPENSING SYSTEM PERMITTING CUSTOMERS TO USE A CASH EQUIVALENT REPRESENTATIVE OF PAST OVERPAYMENTS--.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1, 2 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Bohnert et al (US 5,797,470).

Bohnert et al teaches a system for dispensing fuel, comprising: a nozzle (a nozzle included with a fuel dispenser 14a, for example) for dispensing the fuel, a controller (19) in communication with the nozzle for selectively causing the nozzle to

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dispense the fuel, a reader (card reader 53) connected (via underground cable 22a or 22b) to the controller for reading data (debit card data, for example) provided by a user and transferring the data to the controller, a database (an off-site terminal, not shown) for storing a record corresponding to the data that indicates a monetary value (the debit card account data), wherein upon receipt of the data, the controller accesses the record and causes the nozzle to dispense the fuel, wherein the data is dependent upon purchases made by the user (the purchase of the debit card, for example), wherein the data comprises magnetic data, wherein the magnetic data comprises a magnetic strip included on a card (a magnetic strip on the debit card), wherein the record includes an index value (debit card account number, for example) corresponding to the data, a date of creation of the record (card issue date, for example), and a date of expiration of the card (the card expiration date, for example) (see figures 2-4, column 2 line 46 - column 3 line 8, column 3 line 62 - column 4 line 56, column 5 lines 21-25, column 5 line 61 - column 6 line 3, column 6 lines 15-22, 53-63, column 9 lines 14-39, and column 10 lines 25-35).

4. Claims 8, 9, 11-15, 17-20, and 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Kurowski et al (US 5,895,457, cited by applicant).

Re claims 8, 9, 11-15, 17-20, 22: Kurowski et al teaches a computer implemented method, a computer program stored in a memory device, and a database stored in a memory device for permitting a user to purchase fuel from a fuel dispenser (pump 22), comprising: receiving payment from the user (a cash payment), if the payment received from the user exceeds a purchase price of the fuel, then providing the

user with change in the form of a cash equivalent (printing a coded voucher), creating a record in a database (generating records for each transaction) that includes an index value (the code) and a monetary value (the balance due the customer), wherein the record includes a date of expiration for the record (expiration dates attached to particular codes), permitting the user to purchase fuel from the fuel dispenser using the cash equivalent (the code can be used in a subsequent fueling transaction to receive credit for the balance due), wherein the cash equivalent comprises a bar coded (see column 4 lines 61-63) representation of the change or a magnetic (see column 4 lines 61-63) representation of the change (see figures 1-3, 5, column 1 lines 9-14, 49-59, column 2 line 46 - column 3 line 11, column 4 lines 9-33, column 4 line 49 - column 5 line 7, column 5 line 51 - column 6 line 6, column 6 line 18 - column 7 line 46, and column 8 lines 33-41).

Re claims 23-25: The teachings of Kurowski et al have been discussed above. Kurowski et al also teaches a receipt (a voucher) for use in a system (network 10) for permitting users to purchase fuel from a fuel dispenser (pump 22), comprising: a substrate, and indicia (machine readable code information) coupled to the substrate representative of monies owed to the users (the balance due to the customer), wherein the indicia includes a bar coded representation (see column 4 lines 61-63) or a magnetic representation (see column 4 lines 61-63) of the monies owed to the users (see figures 1-3, 5, column 1 lines 9-14, 49-59, column 2 line 46 - column 3 line 11, column 4 lines 9-33, column 4 line 49 - column 5 line 7, column 5 line 51 - column 6 line 6, column 6 line 18 - column 7 line 46, and column 8 lines 33-41).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohnert et al in view of Helbling (US 5,555,497).

The teachings of Bohnert et al have been discussed above.

Bohnert et al fails to specifically teach the data comprising optical data, wherein the optical data comprises a bar code included on a receipt provided to the user.

Helbling teaches a system providing a user with a receipt containing a bar code, and allowing the user to obtain goods/services from a vending/dispensing station (30) by reading the bar code using a reader (31) (see the figure, column 2 lines 1-19, 30-36, 45-59, column 3 lines 1-2, 56-67, column 4 lines 1-4 and 19-26).

In view of Helbling's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Bohnert et al, the data comprising optical data, wherein the optical data comprises a bar code included on a receipt provided to the user, in order to allow fuel vendors to have their products promoted and/or the vendor associated with charitable work in the minds of potential customers (see column 1 lines 53-58). Furthermore, Helbling teaches that bar codes are an art recognized functional equivalent to magnetic strips (see column 3 lines 60-63).

7. Claims 10, 16, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurowski et al in view of Ryan (US 5,913,180, cited by applicant).

The teachings of Kurowski et al have been discussed above.

Kurowski et al fails to specifically teach the record including a date of creation.

Ryan teaches a computer implemented method for permitting a user to purchase fuel from a fuel dispenser, comprising: creating a record in a database (in controller 702), the record including a date of creation (see column 17 lines 10-19).

In view of Ryan's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Kurowski et al, the record including a date of creation, in order to provide more complete transaction details for record keeping/accounting purposes.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Keohane (US 6,364,206 B1), Phillips et al (US 6,193,154 B1), Atchley (US 5,493,315), Cox (US 5,340,969), Gentile et al (US 3,931,497) all teach fuel dispensing systems and methods. Galleri (WO 99/14715 A1) teaches a system for dispensing goods in a department store, including the use of coded receipt. Sedgwick (GB 2 279 795 A) teaches an encoded ticket processing apparatus and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (703) 305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jared J. Fureman
Jared J. Fureman
January 27, 2003